

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELLY SHAFFSTALL,

Plaintiff,

v.

OLD DOMINION FREIGHT LINE, INC., a
Virginia corporation,

Defendant.

CASE NO. C18-1656-JCC

ORDER

This matter comes before the Court on Dawn Shaffstall’s unopposed motion for substitution (Dkt. No. 69). On February 16, 2020, Plaintiff Kelly Shaffstall passed away. (Dkt. No. 69 at 1.) Under Federal Rule of Civil Procedure 25(a)(1), “If a party dies and the claim is not extinguished, the court may order substitution of the proper party.” Mr. Shaffstall’s employment law claim was not extinguished upon his death; it passed to the personal representative of his estate. *See* Wash. Rev. Code § 4.20.046(1). The personal representative of Mr. Shaffstall’s estate is Dawn Shaffstall, Mr. Shaffstall’s spouse. (*See* Dkt. Nos. 70-1 at 3, 70-2 at 3, 70-3 at 2.) Accordingly, Ms. Shaffstall is the proper party under Washington law. *See* Wash. Rev. Code § 4.20.046(1). The Court therefore GRANTS Ms. Shaffstall’s motion (Dkt. No. 69) and SUBSTITUTES Dawn Shaffstall in place of Kelly Shaffstall as Plaintiff in this action.

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1 DATED this 29th day of May 2020.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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